

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:08CR134-RJC**

UNITED STATES OF AMERICA,

v.

ELVIN PASTOR FERNANDEZ-GRADIS,

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant's "Verified Motion and Affidavit for Detention of a Material Witness Pursuant to Title 18 USCA § 3144" (document #758), filed December 11, 2009.

Defendant has made this motion pursuant to 18 U.S.C. § 3144, and the Court has received it as an affidavit. Based upon the grounds stated in Defendant's motion, the Court finds that it may become impracticable to secure the presence of Herman Fernandez-Gradis by subpoena and therefore the Court directs the Clerk to issue an order for his arrest as a material witness in this matter. Upon his arrest, the Court will proceed in accordance with 18 U.S.C. § 3142.

IT IS THEREFORE ORDERED:

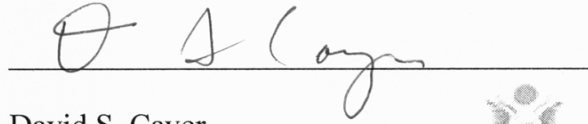
1. Defendant's "Verified Motion and Affidavit for Detention of a Material Witness Pursuant to Title 18 USCA § 3144" filed December 11, 2009, is **GRANTED**.

2. The Clerk is directed to issue an order for the arrest of Herman Fernandez-Gradis as a material witness in this matter.

2. The Clerk is directed to send copies of this Order to counsel for the government, counsel for Defendant Elvin Pastor Fernandez-Gradis and to The Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: December 21, 2009

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

